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PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. G. 5080—*P. H.* 136-39-8, *dated Bangalore, the* 10*th December* 1940.

Under section 20 E. of the Mysore Prevention of Adulteration Act, IX of 1921 as amended from time to time, the Government of His Highness the Maharaja of Mysore propose to issue the following amendment to rule (21) (b) (1) of the rules issued in Government Notification No. G. 798-P. H. 136-39-3, dated 29th July 1940, for Coffee. Any objections or suggestions to the proposed amendment, if made to the undersigned within a month from the date of this notification will be duly considered.

By Order,

C. E. NORONHA,

Secretary to Government,
Development Department.

The Contempt of Courts (Amendment) Bill.

WHEREAS it is expedient to amend the Contempt of Courts Act, 1930:—

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Contempt of Courts (Amendment) Act, 194 .

(2) It shall come into force at once.

Amendment of section 2, Act XI of 1930.

2. In section 2 of the Contempt of Courts Act, 1930, the words "in respect of any pending judicial proceedings, civil or criminal" occurring at the end and the Explanation to that section shall be omitted.

STATEMENT OF OBJECTS AND REASONS.

The Contempt of Courts Act, 1930, was modelled largely on the corresponding enactment of British India. Departing from that enactment, however, it provided that acts of contempt committed in respect of pending judicial proceedings only shall be punishable.

It is considered desirable to remove this limitation and bring the Act into line with the provision of law in British India on the subject. The effect of the proposed amendment will be that any act intended to bring into contempt or lower the authority of a Judge or a Court may be dealt with as contempt of court.

No. 3068—*L. C., Bangalore, dated 6th December* 1940.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Mysore City Municipalities (Amendment) Bill is published for general information with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,

Secretary,

Mysore Legislative Council.

The Mysore City Municipalities (Amendment) Bill.

WHEREAS it is expedient further to amend the Mysore City Municipalities Act, 1933.

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Mysore City Municipalities (Amendment) Act, 194 .

(2) It shall come into force at once.

Addition of new section 102-A in Act VII of 1933.

2. After section 102 of the Mysore City Municipalities Act, 1933, the following section shall be added as section 102-A thereof, namely :—

Penalty for non-payment of tax.

"102-A. In the event of non-payment of any tax imposed under section 64 within fifteen days from the date of service of notice of demand under sub-section (3) of section 95, and without prejudice to the other provisions of this Chapter, the person failing to pay such tax shall, on conviction before a magistrate, be liable to a fine not exceeding twice the amount of tax found to be due."

STATEMENT OF OBJECTS AND REASONS.

The present procedure for the recovery of assessed taxes in the City Municipalities is laid down in Chapter VIII of the City Municipalities Act, 1933. It has been brought to the notice of Government that the existing provisions of law are inadequate to enable the City Municipal Councils to collect the taxes speedily and to the fullest extent. Both the Municipal Commissioner, Bangalore City and the President, Mysore City Municipal Council, have stated that it is necessary to insert a provision in the Act empowering the Municipal Councils to collect the assessed taxes from defaulters by recourse to prosecution.

There is a provision of this kind in the Municipal Laws of the Civil and Military Station, Bangalore.

It is accordingly proposed to amend the Mysore City Municipalities Act, 1933.

No. L. C.—3070, *dated Bangalore, the 6th December* 1940.

Under Rule 8 of the Rules for the conduct of business of the Mysore Legislative Council, the accompanying

Mysore Election Offences and Inquiries Bill is published for general information with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,
Secretary to Government,
Mysore Legislative Council.

THE MYSORE ELECTIONS OFFENCES AND INQUIRIES BILL.

Statement of Objects and Reasons.

The recent enactment of the Government of Mysore Act, 1940, has resulted in a considerable widening of the franchise. The franchise for the District Boards in the State, which is the same as for the Representative Assembly, has also been correspondingly widened.

As elections will therefore play an important part in the new public life of Mysore, it is considered desirable that the public conscience should be markedly drawn to the danger of corrupt practices in relation to the franchise, whether that franchise relates to legislative or other bodies. It is of the greatest importance, in order to safeguard the free and unhampered exercise of the vote and to secure the successful working of the system of election, that the principle of the purity of the franchise should be insisted on in the criminal law of the country.

The Joint Parliamentary Committee appointed to report on the Government of India (Amendment) Bill, 1919, recommended the enactment of such a measure. They said: "The Committee are firmly convinced that a complete and stringent Corrupt Practices Act should be brought into operation before the first election to the Legislative Councils. There is no such Act at present in existence in India and the Committee are convinced that it will not be less required in India than it is in other countries." The Indian Elections Offences and Inquiries Act, 1920, was accordingly passed into law in September 1920.

The present Bill is modelled on the British Indian measure and it is made up of two parts. The first part

makes certain amendments to the Indian Penal Code, as in force in Mysore, and the Criminal Procedure Code. This part applies not only to elections to the legislative bodies constituted under the Government of Mysore Act, 1940, but to elections to all public bodies generally. It penalises the five new offences created by this Bill, namely, bribery, undue influence, personation, the publication of false statement and the failure to keep election accounts.

Part II applies only to elections to legislative bodies constituted under the Government of Mysore Act, provision being made for the conduct of inquiries in regard to disputed elections to them. The Commissioner appointed to hold such inquiries will have the powers of a Court under the Code of Civil Procedure, 1911, when trying a suit. The provisions of the Indian Evidence Act, 1872, as in force in Mysore will apply to such inquiries. In addition to certain other incidental provisions, this Part also enacts that a person convicted under Chapter IX-A of the Indian Penal Code, as in force in Mysore, will be disqualified from certain appointments and offices. Government are, however, given the power to remove such disqualifications in any particular case. Provision is also made for the maintenance of secrecy of voting.

The Mysore Elections Offences and Inquiries Bill.

[*A Bill to provide for the punishment of malpractices in connection with elections, and to make further provisions for the conduct of inquiries in regard to disputed elections to the Chambers constituted under the Government of Mysore Act, 1940.*]

WHEREAS it is expedient to provide for the punishment of malpractices in connection with elections, and to make further provision for the conduct of inquiries in regard to disputed elections to the Chambers constituted under the Government of Mysore Act, 1940;

It is hereby enacted as follows :—

Preliminary.

Short title and extent.

1. (1) This Act may be called the Mysore Election Offences and Inquiries Act, 194 .

(2) It extends to the whole of Mysore.

PART I.

OF OFFENCES RELATING TO ELECTIONS.

Amendments to the Indian Penal Code as applied to Mysore.

2. (1) In Section 21 of the Indian Penal Code, as in force in Mysore, after the twelfth entry, the following shall be inserted, namely,—

"*Thirteenth.*—Every person who holds any office in virtue of which he is empowered to prepare, publish, maintain or revise an electoral roll or to conduct an election or part of an election;"

and after *Explanation* 2, the following shall be added, namely,—

"*Explanation* 3.—The word 'election' denotes an election for the purpose of selecting members of any legislative, municipal or other public authority, of whatever character, the method of selection to which he is by, or under, any law prescribed as by election."

(2) After Chapter IX of the same Code the following Chapter shall be inserted, namely,—

CHAPTER IX-A.

"OF OFFENCES RELATING TO ELECTIONS.

171-A. For the purposes of this Chapter—

"Candidate" and "electoral right" defined.

(*a*) "Candidate" means a person who has stood or claims to have stood as a candidate at any election and includes a person who, when an election is in contemplation, holds himself out as a prospective candidate thereat:

Provided that he has subsequently stood as a candidate at such election.

(*b*) "Electoral right" means the right of a person to stand, or not to stand as, or to withdraw from being, a candidate or to vote or refrain from voting at an election.

171-B. (1) Whoever—

Bribery.

(i) gives a gratification to any person with the object of inducing him or any other person to exercise any electoral right or of rewarding any person for having exercised any such right; or

(ii) accepts either for himself or for any other person any gratification as a reward for exercising any such right or for inducing or attempting to induce any other person to exercise any such right, commits the offence of bribery :

Provided that a declaration of public policy or a promise of public action shall not be an offence under this section.

(2) A person who offers, or agrees to give, or offers or attempts to procure, a gratification shall be deemed to give a gratification.

(3) A person who obtains or agrees to accept or attempts to obtain a gratification, shall be deemed to accept a gratification, and a person who accepts a gratification as a motive for doing what he does not intend to do, or as a reward for doing what he has not done, shall be deemed to have accepted the gratification as a reward.

Undue influence at elections.

171-C. (1) Whoever voluntarily interferes or attempts to interfere with the free exercise of any electoral right commits the offence of undue influence at an election.

(2) Without prejudice to the generality of the provisions of sub-section (1), whoever—

(*a*) threatens any candidate or voter, or any person in whom a candidate or voter is interested, with injury of any kind, or

(*b*) induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be rendered an object of divine displeasure or of spiritual censure,

shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter, within the meaning of sub-section (1).

(3) A declaration of public policy or a promise of public action, or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this section.

Personation at election.

171-D. Whoever at an election applies for a voting paper or votes in the name of any other person, whether living or dead, or in a fictitious name, or who having voted once at such election applies at the same election

for a voting paper in his own name, and whoever abets, procures or attempts to procure the voting by any person in any such way, commits the offence of personation at an election.

Punishment for bribery.

171-E. Whoever commits the offence of bribery shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or both:

Provided that bribery by treating shall be punished by fine only.

Explanation.—"Treating" means that form of bribery where the gratification consists in food, drink, entertainment or provision.

Punishment for undue influence or personation at an election.

171-F. Whoever commits the offence of undue influence or personation at an election shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

False statement in connection with an election.

171-G. Whoever with intent to affect the result of an election makes or publishes any statement purporting to be a statement of fact which is false and which he either knows or believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate shall be punished with fine.

Illegal payments in connection with an election.

171-H. Whoever without the general or special authority in writing of a candidate, incurs or authorises expenses on account of the holding of any public meeting, or upon any advertisement, circular or publication, or in any other way whatsoever for the purpose of promoting or procuring the election of such candidate, shall be punished with fine which may extend to five hundred rupees:

Provided that if any person having incurred any such expenses not exceeding the amount of ten rupees without authority obtains within ten days from the date on which such expenses were incurred the approval in writing of the candidate, he shall be deemed to have incurred such expenses with the authority of the candidate.

Failure to keep election accounts.

171-I. Whoever, being required by any law for the time being in force or any rule having the force of law to keep accounts of expenses incurred at or in connection with an election fails to keep such accounts, shall be punished with fine which may extend to five hundred rupees."

Amendment of the Code of Criminal Procedure.

3. (1) In Section 196 of the Code of Criminal Procedure, 1904, after the words, "Chapter VI" the words "or IX-A" shall be inserted.

(2) In Schedule II to the same Code after the entries relating to Chapter IX of the Indian Penal Code, as in force in Mysore, the following shall be added, namely :—

CHAPTER IX-A.—OFFENCES RELATING TO ELECTIONS.

171-E	Bribery ...	Shall not arrest without warrant	Summons	Bailable	Not compoundable	Imprisonment of either description for one year, or fine, or both or if treating only, fine only.	District Magistrate or Magistrate of the First Class.
171-F	Undue influence and personation at an election.					Imprisonment of either description for one year, or fine or both.	
171-G	False statement in connection with an election.					Fine ...	
171-H	Illegal payments in connection with elections.					Fine of 500 rupees ...	
171-I	Failure to keep election accounts.					Do ...	

PART II.

ELECTION INQUIRIES AND OTHER MATTERS.

Definitions.

4. In this Part, unless there is anything repugnant in the subject or context,—

(*a*) "costs" means all costs, charges and expenses of, or incidental to, an enquiry;

(*b*) "election" means an election to either the Representative Assembly or the Legislative Council constituted under the Government of Mysore Act, 1940;

(*c*) "inquiry" means an inquiry in respect of an election by a commissioner appointed for that purpose by the Government;

(*d*) "pleader" means any person entitled to appear and plead for another in a Civil Court, and includes an advocate of the High Court.

Powers of Commissioner.

5. A Commissioner appointed to hold an inquiry shall have the powers which are vested in a Court under the Civil Procedure Code, 1911, when trying a suit, in respect of the following matters :—

(*a*) discovery and inspection,

(*b*) enforcing the attendance of witnesses, and requiring the deposit of their expenses,

(*c*) compelling the production of documents,

(*d*) examining witnesses on oath,

(*e*) granting adjournments,

(*f*) reception of evidence taken on affidavit, and

(*g*) issuing commissions for the examination of witnesses,

and may summon and examine *suo moto* any person whose evidence appears to him to be material; and shall be deemed to be a Civil Court within the meaning of sections, 480 and 482 of the Code of Criminal Procedure, 1904.

Explanation.—For the purposes of enforcing the attendance of witnesses, the local limits of the Commissioner's jurisdiction shall be the whole of Mysore.

Application of Act I of 1872 to enquiries.

6. The provisions of the Indian Evidence Act, 1872, as in force in Mysore, shall, subject to the provisions of this Act, be deemed to apply in all respects to an inquiry.

Documentary evidence.

7. Notwithstanding anything in any enactment to the contrary, no document shall be inadmissible in evidence on the ground that it is not duly stamped or registered.

Obligation of witness to answer. Certificate of indemnity.

8. No witness shall be excused from answering any question as to any matter relevant to a matter in issue in an inquiry upon the ground that the answer to such question will criminate or may tend, directly or indirectly, to criminate him; or that it will expose or tend, directly or indirectly, to expose him to a penalty or forfeiture of any kind:

Provided that—

(1) no person who has voted at an election shall be required to state for whom he has voted; and

(2) a witness who, in the opinion of the Commissioner has answered truly all questions which he has been required by the Commissioner to answer shall be entitled to receive a certificate of indemnity, and such certificate may be pleaded by such person in any court and shall be deemed to be a full and complete defence to or upon any charge under Chapter IX-A of the Indian Penal Code, as in force in Mysore, arising out of the matter to which such certificate relates, nor shall any such answer be admissible in evidence against him in any suit or other proceedings.

(3) Nothing in sub-section (1) shall be deemed to relieve a person receiving a certificate of indemnity from any disqualification in connection with an election imposed by any law or any rule having the force of law.

Appearance by pleader.

9. Any appearance, application or act before the Commissioner may be made or done by the party in person or by a pleader duly appointed to act on his behalf:

Provided that any such appearance shall, if the Commissioner so directs, be made by the party in person.

Expenses of witnesses.

10. The reasonable expenses incurred by any person in attending to give evidence may be allowed by the Commissioner to such person, and shall, unless the Commissioner otherwise directs, be deemed to be part of the costs.

Costs and pleader's fees, etc.

11. (1) Costs shall be in the discretion of the Commissioner, and the Commissioner shall have full power to determine by and to whom and to what extent such costs are to be paid and to include in his report all necessary recommendations for the purposes aforesaid. The Commissioner may allow interest on costs at a rate not exceeding six per cent per annum, and such interest shall be added to the costs.

(2) The fees payable by a party in respect of fees of his adversary's pleader shall be such fees as the Commissioner may allow.

Execution of orders as to costs.

12. Any order made by the Government on the report of the Commissioner regarding the costs of the inquiry may be produced before the principal civil court of original jurisdiction within the local limits of whose jurisdiction any person directed by such order to pay any sum of money has a place of residence or business, and such court shall execute such order or cause it to be executed in the same manner and by the same procedure as if it were a decree for the payment of money made by itself in a suit.

Disqualification of persons found guilty of election offences.

13. Any person who has been convicted of an offence under section 171-E or 171-F of the Indian Penal Code, as in force in Mysore, or has been disqualified from exercising any electoral right, for a period of not less than four years on account of malpractices in connection with an election shall be disqualified for four years from the date of such conviction or disqualification from—

(*a*) being appointed to, or acting in, any judicial office ;

(*b*) being elected to any office of any local authority when the appointment to such office is by election, or holding or exercising any such office to which no salary is attached ;

(*c*) being elected or sitting or voting as a member of any local authority ; or

(*d*) being appointed or acting as a trustee of a public trust :

Provided that the Government may exempt any such person from any such disqualification.

Maintenance of secrecy of voting.

14. (1) Every officer, clerk, agent or other person who performs any duties in connection with the recording or counting of votes at an election shall maintain and aid in maintaining the secrecy of the voting and shall not (except for some purpose authorised by or under any law) communicate to any person any information calculated to violate such secrecy.

(2) Any person who wilfully acts in contravention of the provisions of this section shall be punished with imprisonment of either description for a term not exceeding three months or with fine or with both.

Special provision as to elections under the Government of Mysore Act, 1940.

15. This part of the Act shall have effect subject to any relevant provision of any Rules, or orders made under the Government of Mysore Act, 1940.

No. 3082 *L. C., Bangalore, dated 9th December* 1940.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Mysore Rubber Control Bill is published for general information, with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,

Secretary,

Mysore Legislative Council.

THE MYSORE RUBBER CONTROL BILL.

(*A bill to provide for the control of the export from and import into Mysore of rubber and for the control of extension of the cultivation of rubber in Mysore.*)

WHEREAS it is expedient to provide for the control of the export from and import into Mysore of rubber and for the control of the extension of the cultivation of rubber in Mysore;

It is hereby enacted as follows:—

Short title, extent, commencement and duration.

1. (1) This Act may be called the Mysore Rubber Control Act, 194 .

(2) It extends to the whole of Mysore.

(3) It shall come into force on such date as the Government may, by notification in the official Gazette, appoint.

(4) It shall remain in force only up to the 31st December 1943, but the Government may, by notification in the official Gazette, direct that it shall remain in force for such further period as may be specified in any such notification.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context:—

(*a*) "Committee" means the Indian Rubber Licensing Committee constituted by the Governor-General in Council under the Indian Rubber Control Act, 1934;

(*b*) "to export" means to take out of Mysore by land, sea or air to any place outside India or to any place specified by the Government in this behalf by notification in the official Gazette;

(*c*) "owner" includes any agent of an owner;

(*d*) "prescribed" means prescribed by rules made under this Act;

(*e*) "to plant" means to propagate a rubber plant from seed or any living portion of the rubber plant that may be used to propagate it; "new planting" means planting in an area which has not since the first day of January 1939, carried any rubber plants or substituting in an area carrying rubber plants, and other growths, rubber growths for those other growths; "to replant" means to plant, in such circumstances as not to constitute new planting, on any one acre of an area carrying rubber plants on the first day of January 1939, more than thirty rubber

plants; and "to supply" means so to plant on any one acre of such area thirty rubber plants or less;

(*f*) "rubber" means—

(i) crude rubber, that is to say rubber prepared from the leaves, bark or latex of any rubber plant,

(ii) the latex of any rubber plant, whether fluid or coagulated, in any stage of the treatment to which it is subjected during the process of conversion into rubber, and

(iii) latex in any state of concentration, and includes, for the purposes of regulating export, the rubber content of any article manufactured wholly or partly from crude rubber in India;

(*g*) "rubber plant" includes plants, trees, shrubs and vines, and any leaves, flowers, seeds, buds, twigs, branches, roots and any living portion thereof, that may be used to propagate any of the following, namely:—

(i) *Hevea Braziliensis* (Para rubber),

(ii) *Manihot Glaziovil* (Ceara rubber),

(iii) *Castilloa elastica*,

(iv) *Ficus elastica* (Rambong),

(*v*) Any other plant, tree, shrub or vine which the Government may, by notification in the official Gazette, declare to be a rubber plant for the purpose of this Act.

CHAPTER I.

CONTROL OVER THE EXPORT OF RUBBER.

Limitation of application of Act.

3. Nothing in this Act shall apply to the export of rubber by parcel post or to the re-export of rubber contained in imported manufactured articles.

Control of export of rubber.

4. (1) No rubber grown, produced or contained in an article manufactured in India shall be exported unless covered by a licence and a certificate of origin issued by the Government.

(2) No rubber grown or produced in any country other than India shall be re-exported unless covered by a certificate of origin issued by an official empowered in that behalf by the Government of such country and endorsed by or on behalf of the Government.

CHAPTER II.

CONTROL OVER THE EXTENSION OF RUBBER CULTIVATION.

Control of cultivation of rubber.

5. So long as this Act remains in force, no person shall, save in pursuance of a written permission granted by the Government under this Act,—

(*a*) carry out new planting of rubber plants on any land except for the purpose of supply, or

(*b*) after the expiry of the year 1940, replant any land with rubber plants where any limitations on such replanting have been imposed under sub-section (2) of Section 8.

Permission for new planting.

6. (1) The total area in Mysore in respect of which permission for new planting otherwise than for the purpose of supply may be granted shall not in any period exceed such area as the Government may, by notification in the official Gazette, designate as being fixed in this behalf for that period by the International Rubber Regulation Committee:

Provided that such area may be modified to provide for such transfers of permissions for new plantings between Mysore and British India or an Indian State as may be consented to by the Committee under this Act and under any law or order having the force of law of British India or of the Indian State concerned.

(2) Any such permission granted for new planting shall cease to be of effect at the end of the particular period referred to in sub-section (1) within which it was granted.

(3) Replanting shall be subject to such limitations, if any, as the Government may, by notification in the official Gazette, designate as imposed in this behalf by the International Rubber Regulation Committee.

(4) Where under sub-section (3) any limitations have been imposed on replanting, the provisions of sections 7 and 8 shall apply to permissions to replant as they apply to permissions for new planting.

Transfer of permission for new planting.

7. Where provision in this behalf is made by or under any law or order having the force of law of British India or of an Indian State, a permission for new planting granted under this Act or under such law or order may be transferred, wholly or in part, to or from British India or that Indian State, as the case may be,

Application for permission to plant or replant.

8. (1) Application for permission for new planting of land with rubber plants shall be made to the Government in such form as the Government may specify and shall contain a clear statement of all special circumstances justifying the application.

(2) Subject to the provisions of sections 5 and 6 the Government may grant or refuse the permission applied for, or may call for further information from the applicant.

Power of the Government to call for return and to inspect estates.

9. (1) The Government may serve by post a notice upon the owner of any rubber estate, requiring him to furnish, within such period not being less than thirty days as may be specified in the notice, such documents, plans or returns relating to the cultivation of rubber plants on the estate as it may deem necessary.

(2) Any person authorised by the Government in this behalf, may, at any reasonable time, enter upon and inspect any portion of any rubber estate, and may require the owner of the estate to produce for inspection any record from the estate in his control or custody relating to the cultivation of rubber plants on the estate.

(3) When any return required under sub-section (1) in respect of any rubber estate is not furnished to the Government within the period specified in the notice, the Government may refuse to grant any permission under section 6 for new planting of rubber plants on that estate or may cancel any such permission already given.

CHAPTER III.

SUPPLEMENTAL.

Prohibition of export of rubber plants except under permit, etc., of the Government.

10. No person shall export rubber plants unless covered by a permit issued by and subject to such conditions as may be prescribed by the Government.

Delegation of powers, etc.

11. (1) The Government may delegate the powers conferred on it by sections 4, 5, 6, 7, 8, 9 and 10 to the Committee.

(2) When the powers are so delegated to the Committee—

(*a*) any applicant aggrieved by an order of the Committee under section 6 or 8 may appeal to the

Government within sixty days from the date thereof and the Government may cancel, modify or suspend any such order;

(*b*) the records of the Committee relating to the proceedings under Chapters II and III shall be open to inspection at all reasonable times by any officer authorised in this behalf by the Government and;

(*c*) no order under sub-section (2) of section 8 shall be called in question by any court.

CHAPTER IV.

PENALTIES AND PROCEDURE.

Penalty for illicit import or export.

12. A breach of the provisions of section 4, or section 10 shall be punishable with fine which may extend to rupees one thousand and shall also render the rubber exported liable to confiscation.

Penalty for making false return.

13. Any owner of a rubber estate who has furnished any return under sub-section (1) of section 9, containing any particular which is false and which he knew to be false or did not believe to be true, shall be punishable with fine which may extend to one thousand rupees.

Penalty for obstructing inspection, etc.

14. Whoever obstructs any person authorised by the Government while such person is entering upon or inspecting any rubber estate under sub-section (2) of section 9, and whoever, having control over or custody of any records of a rubber estate relating to the cultivation of rubber plants on the estate, refuses or fails to produce such records when required by the Government or by a person authorised by the Government under that sub-section shall be punishable with fine which may extend to one thousand rupees.

Penalty for illicit cultivation.

15. Whoever carried out new planting of rubber plants or causes such new planting to be carried out or replants or causes to be replanted in any land in contravention of section 5 shall be punishable with fine which may extend to one thousand rupees for the first offence, and with fine which may extend to five thousand rupees for any subsequent offence.

Removal of rubber plants planted without permission.

16. Where any person has been convicted of any offence under section 15, the convicting court shall direct that the rubber plants in respect of which the offence was

committed shall be removed from the land within a prescribed time, and in the event of the order not being duly complied with, shall cause the rubber plants to be removed and recover the cost from the person convicted as if it were an arrear of land revenue due on the rubber estate on which the offence was committed.

Trial of offences under sections 12 13, 14 and 15

17. No Magistrate other than the magistrate of the first class shall take cognisance of an offence under sections 12, 13, 14, or 15 and such magistrate may take cognisance of such an offence only upon complaint made by an officer authorised by the Government in this behalf and with the previous sanction of the Government.

CHAPTER V.

RULES.

Power to make rules.

18. (1) The Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) Such rules may provide that a breach thereof shall be punishable with fine which may extend to one thousand rupees.

STATEMENT OF OBJECTS AND REASONS.

In 1934, representatives of the rubber interests in the main rubber producing countries formulated an international scheme for the restriction of the export, production and stocks of rubber to meet the difficulties consequent on the catastrophic fall in prices. By virtue of their accession to this Agreement, the Government of India were committed to give legislative sanction to the scheme and accordingly enacted the Indian Rubber Control Act, 1934.

This Act and the International Agreement of 1934 were due to expire on the 31st December 1938. As the scheme was, however, found beneficial to the country, a revised Agreement was entered into for a further period of five years from 1st January 1939. To give effect to certain legislative changes involved in the new Agreement and to extend the Act during the minimum period of the Agreement, an amending Act has been passed in British India.

The holders of land in Mysore on which rubber can be grown approached Government with a request that the further extension of rubber cultivation in Mysore might be prohibited in conformity with the international scheme mentioned above. A notification was accordingly issued in June 1939 prohibiting the new planting of rubber in Mysore.

In order, however, to get the benefit of the provisions of the revised Agreement relating to the transfer to Mysore from British India or another Indian State or *vice versa* of licenses to plant rubber, legislation is necessary.

The Bill follows in the main the Indian Rubber Control Act.

No. 3091—*L. C., dated Bangalore, the* 10*th December* 1940.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Mysore Elementary Education Bill is published for general information with the statement of objects and reasons.

By Order,

H. V. NARAYANA RAO,

Secretary,

Mysore Legislative Council.

THE MYSORE ELEMENTARY EDUCATION BILL.

(A Bill to amend and consolidate the law relating to Elementary Education in Mysore.)

WHEREAS the existing arrangement under which the control and management of Elementary Education by the Local Education Authorities has failed to produce the anticipated results; and WHEREAS it has become necessary for the Government to resume control of Elementary Education in order to make more satisfactory provision

for its progressive expansion, it is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This act may be called the Mysore Elementary Education Act, 1940.

(2) It extends to the whole of Mysore.

(3) All the provisions of this Act shall come into force on and from the first day of July 1941, except the provisions of Chapter VI which shall come into force in such areas and on and from such date or dates as the Government may, by notification in the official Gazette appoint.

2. (1) The Mysore Elementary Education Act, 1930, is hereby repealed.

(2) Notwithstanding such repeal, any rules made, any notifications issued, anything done and any action taken in exercise of any power conferred by the said Act shall, in so far as they are not inconsistent with any of the provisions of this Act be deemed to be made, issued, done or taken under this Act.

(3) Save where the context otherwise requires, expressions defined in the said Act shall, notwithstanding such repeal, carry the same meanings whenever used in this Act.

3. In this Act unless there is anything repugnant in the subject or context:—

(1) "District" means any local area which for the purposes of the revenue administration is under the charge of a Deputy Commissioner or which, for the purposes of this Act, the Government may by notification declare to be a District;

(2) "District Board" means a District Board constituted under the Mysore District Boards Act, 1926;

(3) "Municipality" or "Municipal Council" means a Municipality or Municipal Council constituted under the Mysore Municipalities Acts, 1933;

(4) "Education Department" means the Director of Public Instruction in Mysore and any officer or

authority subordinate to him, to whom any of his functions may be delegated by the Government;

(5) "Elementary Education" means the courses extending over a period of not less than four years and provided in Kannada, Urdu or other vernacular language in such subjects and up to such standards as may be prescribed or approved, from time to time, by the Government for the purposes of this Act;

(6) "Elementary School" means a school established or maintained by the Government and providing Elementary Education or recognised as an Elementary School under the provisions of this Act;

(7) "Parent" includes the guardian and every person who is liable to maintain or has the actual custody of any child;

(8) "Prescribed" means prescribed by rules made by the Government under this Act.

CHAPTER II.

TRANSFER OF PROPERTY AND CONTROL TO THE GOVERNMENT.

4. All property and all rights of whatever kind used, enjoyed or possessed by, and all interests of whatever kind owned by or vested in, or held in trust by or for, any Local Education Authority, including all moneys standing to the credit of the Elementary Education Fund, constituted under the Mysore Elementary Education Act, 1930, and administered by such authority, as well as all liabilities legally subsisting against such authority shall, on and from the date of commencement of this Act, pass to the Government.

5. On and from the date of commencement of this Act, the management of and control over Elementary Education in Mysore shall vest in the Government.

6. All teachers and menials serving in Elementary Schools maintained hithertofore by Local Education Authorities shall, on and from the date of commencement of this Act, be transferred to and become servants of the Government, and shall become subject to all rules and orders which apply to service under the Government.

CHAPTER III.

ELEMENTARY EDUCATION FUND.

7. There shall be constituted in each District an Elementary Education Fund to which shall be credited :—

(*i*) all moneys standing to the credit of the Elementary Education Fund, constituted under the Mysore Elementary Education Act, 1930, for the area of such District or part of such District and vesting in the Government under Section 4.

(*ii*) all amounts provided by the Government for Elementary education in such District,

(*iii*) the amount of all collections from education cess levied in such district, except such amount as was expended for purposes other than Elementary education and charged to education cess prior to the date of commencement of this Act and continued to be so charged thereafter by the Government.

(*iv*) all fines and penalties levied under this Act in respect of cases arising within such District, and

(*v*) all fees collected within such District for the purposes specified in the proviso to section 24.

8. All expenses incurred by the Government on Elementary education in any District shall be paid out of the Elementary Education Fund for that District.

(2) EDUCATION CESS AND CONTRIBUTIONS BY LOCAL AUTHORITIES.

9. The Government may, for carrying out the purposes of this Act, levy throughout or in any specified part of Mysore, an education cess or an additional education cess on such items of State revenue, revenue forming part of a District Fund, and Municipal tax, and at such rates, as it may deem necessary.

10. Any education cess hitherto levied or any cess levied or collected for the purposes of Elementary Education by a District Board, Municipal Council or any other local authority under the provision of the Mysore Elementary Education Act, 1930, shall, notwithstanding its repeal, be continued to be levied in the same manner and to the

same extent as heretofore and shall be paid to the Government in such manner as may be prescribed.

CHAPTER IV.

DISTRICT EDUCATION COMMITTEES AND THE CENTRAL EDUCATION BOARD.

11. There shall be constituted for each District a District Education Committee consisting of a Chairman and such number of members as the Government may prescribe.

12. (1) In Districts where District Boards are in existence, such District Boards, and in other districts such Local Authority as the Government may prescribe, shall be entitled to elect one half the number of members of the District Education Committee, in such manner as may be prescribed.

(2) The other half of the members of the Committee shall be appointed by the Government, which, in making such appointments shall have regard to the representation of Urdu, Depressed Class and Girls' educational interests and of Municipalities.

13. The Government may appoint one of the members of the District Education Committee to be its chairman or it may authorise the Committee to elect its Chairman in such manner as may be prescribed and subject to the approval of the Government.

14. The term of a District Education Committee shall expire with that of the District Board or other Local Authority entitled to elect members to it;

Provided that a District Education Committee shall be deemed to continue until a new Committee has been constituted for the District.

15. Casual vacancies occurring during the term of a District Education Committee shall be filled up by nomination of election, as the case may be, for the remaining period of its term.

16. The Government may appoint for each District Education Committee a Secretary from amongst its members.

17. The District Education Committee shall ordinarily meet once a year or at such other time or times as the Government may direct and consider any plans or programmes for the expansion and development of Elementary education in its District for the year next succeeding such meeting which is placed before it and advise upon any matters relating to Elementary education referred to it by the Education Department.

CENTRAL EDUCATION BOARD.

18. There shall be a Central Education Board for Elementary education.

19. Each District Education Committee shall be entitled to elect, in such manner as may be prescribed, one member to represent it on the Central Education Board and the Government shall appoint an equal number of members to it. The President, as well as the Secretary of the Board shall be appointed by the Government.

20. The term of the Central Education Board shall be such as may be prescribed by the Government, provided, however, that a member who is elected by a District Education Committee shall cease to be a member thereof on the expiry of the term of the Committee.

21. Casual vacancies occurring during the term of the Board shall be filled up by election or nomination, as the case may be, for the remaining period of its term.

22. The Central Education Board shall meet at such times and as often as may be prescribed.

23. It shall be the duty of the Central Education Board to—

(i) consider the reports submitted by the District Education Committees, and

(ii) advise upon all such matters as may be referred to it by the Education Department.

CHAPTER V.

TUITION FEES.

24. No fees shall be charged or other charges of any kind made in any school for Elementary education managed by the Government.

Provided that such amount as may be prescribed shall, if so directed by notification in the official Gazette by the Government, be payable by a parent once in a year in one or more instalments for the medical inspection of a child or for promoting its social or physical training or for readmission of the pupil into the School.

CHAPTER VI.

COMPULSORY EDUCATION.

25. In every area to which the provisions of this Chapter have been applied and from such date as they are brought into force, it shall be the duty of the parent of every child between the ages of six and ten residing within such area to cause that child to attend an Elementary School for so many days in the year or such time on each day of attendance as may be prescribed by the Education Department unless there is a reasonable excuse for its non-attendance.

26. (1) Any of the following circumstances is a reasonable excuse for non-attendance :—

(i) that there is no elementary school which the child can attend within a distance of one mile from the residence of the child :

(ii) that the child is prevented from attending school by sickness or infirmity or other unavoidable cause, or

(iii) that the child is receiving instruction in some other satisfactory manner, or

(iv) that the child has been exempted from such attendance by proper authority.

(2) Where a reasonable excuse for non-attendance exists, the parent shall obtain a certificate of exemption from such authority and in such manner as may be prescribed.

27. If religious classes are held in any Elementary School in an area to which the provisions of this Chapter have been applied, no child shall be compelled to attend such classes against the wishes of its parent.

28. No person shall, without the permission of the Education Department in writing, employ during school

hours any child between the ages of six and ten, who is required to attend an Elementary School under this Chapter.

29. A parent who without lawful excuse fails to send to an Elementary School any child who is required to attend school under this Chapter shall, after due warning in such manner and by such authority as may be prescribed, be liable on conviction by a Magistrate to a fine not exceeding two rupees, and to a fine not exceeding ten rupees for a second or subsequent conviction.

30. Any person who knowingly employs any child in contravention of the provisions of section 28, shall, on conviction before a Magistrate be liable to a fine not exceeding twenty rupees.

31. The Government may, for effectively carrying out the provisions of this Chapter, appoint one or more officers or committees for such areas with such powers and duties as may be prescribed.

CHAPTER VII.

MISCELLANEOUS.

32. The Government may delegate any of its powers under this Act to the Director of Public Instruction.

33. The Government may for any of the purposes of this Act declare any school providing Elementary education and not established or maintained by it to be an Elementary school and thereupon all the provisions of this Act shall apply to that school as if it were an Elementary school.

34. (1) The Government may make rules to carry out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for or regulate,

(i) the levy of education cess under section 9 ;

(ii) the manner of election to, and the working of, the District Education Committees and the Central Education Board ;

(iii) the manner of electing a Chairman to a District Education Committee where the election of a Chairman is authorised ;

(iv) the term of the Central Education Board;

(v) medical inspection and fees for such medical inspection or for promoting social and physical training of children;

(vi) the authority and the manner of issuing of certificates of exemption; and

(vii) the authority and the manner of issuing a warning to a parent under section 29.

THE MYSORE ELEMENTARY EDUCATION BILL.

Statement of Objects and Reasons.

It has always been the primary concern and the declared policy of Government to provide for the progressive expansion and development of elementary education in the State, with a view to reaching the goal of universal elementary education.

The culmination of this policy was reached in 1930 when local bodies were completely invested with powers for providing and controlling elementary education in their areas. The expectation then entertained that a great fillip would be given to the expansion of elementary education by this step has however not been realised. There has been no increase either in the number of schools or in the number of scholars. To investigate into the causes for this slow progress, a committee was constituted in 1937 which was also requested to suggest measures for securing better results. After reviewing the situation with considerable thoroughness and care the committee has come to the conclusion that it would be far better for Government tores ume control over elementary education.

The present Bill repeals and supersedes the Elementary Education Act, 1930. It vests the Government with the management and control of elementary education in Mysore. Provision is also made for the constitution of representative bodies—District Committees, one for each district, and a Central Board for the whole State. A District Committee will consist of members elected by the District Board concerned, an equal number being nominated by Government in order to give adequate representation for Urdu education, Depressed Class and

Girls' Education and Municipalities. Its main function will be to consider plans and programmes for the expansion and development of primary education in its jurisdiction with the financial resources available.

The Central Board will consist of representatives sent by the District Committees, each committee having one representative on the Board and the Government nominating an equal number. Its functions will be to co-ordinate the efforts of District Committees, to examine the proposals and plans, and to advise Government on questions of policy.

Each district will continue to have a fund made up of the items now credited to Elementary Education Funds in the respective districts.

It is hoped that the management by Government, aided by the advice of the Central Board and the several District Committees will help to carry forward to a substantial extent the expansion, consolidation and improvement of elementary education in the State.

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